

VRINGO INC.

Plaintiff,

v.

ZTE CORPORATION, and
ZTE USA Inc.,

Defendants

Civil Action No.

14cv4988

ORDER TO SHOW CAUSE

Upon the Complaint in this action (the "Complaint"), and the exhibits attached thereto, the Declaration of Douglas Clark sworn to on July 2, 2014, the Declaration of Alexander Berger sworn to on July 1, 2014, and the accompanying Memorandum of Law in Support of Motion for Temporary Injunctive Relief, and all proceedings heretofore had in this action, it is hereby:

ORDERED that Defendants ZTE Corporation ("ZTE Corp.") and ZTE USA Inc. ("ZTE USA") (collectively, "ZTE") show cause before this Court on July 7, 2014, at 4 o'clock p.m. at Courtroom 21B of the United States Courthouse, 500 Pearl Street, New York, New York 10007, why an order should not be granted:

- a. requiring ZTE, its subsidiaries, officers, agents, servants and employees and those persons in active concert or participation with any of them, to withdraw their current Chinese Complaint, to claw back the Chinese Complaint and all of its supporting documentation immediately, and to ensure that there is no public hearing to discuss the Chinese Complaint;


- b. temporarily restraining (pending a resolution of Vringo's Complaint) ZTE, its subsidiaries, officers, agents, servants and employees and those persons in active concert or participation with any of them, and enjoining them from pursuing any further litigation in the Shenzhen Court or any other court in the Guangdong Province regarding any same or similar claims involving Vringo and licensing negotiations or patent enforcement;
- c. requiring ZTE, its subsidiaries, officers, agents, servants and employees and those persons in active concert or participation with any of them, to withdraw any NDA Material that it may have provided to any other court and tribunal and to provide notice to Vringo of any circumstances in which it has provided that NDA Material to that court or tribunal.
- d. temporarily restraining (pending a resolution of Vringo's Complaint) ZTE, its subsidiaries, officers, agents, servants and employees and those persons in active concert or participation with any of them, and enjoining them from referencing in any pending or future litigation or arbitration the confidential presentation provided to ZTE on December 10, 2013, any information contained in it, and/or any other information provided by Vringo pursuant to the NDA.

It is further ORDERED that Petitioner shall not be required to give security under Rule 65(c) in accordance with Section 10 of the Non-Disclosure Agreement entered into between ZTE and Vringo, dated December 6, 2013 (the "NDA").

It is further ORDERED that a copy of the Order to Show Cause together with a copy of the Complaint, the Memorandum of Law in Support of Motion for Temporary

Injunctive Relief, and the Declarations of Douglas Clark and Alexander shall be served on ZTE no later than 5pm on 7/3/, 2014 by first class mail and facsimile pursuant to Section 13 of the NDA.

Dated: New York, New York
7/2, 2014

 (Part I)
United States District Judge